NOTES OF CASES.

SIGNATURE BY MARK.—A signature to a paper by mark made by a person for the purpose of identifying himself as a party thereto, is held, in *Finley* v. *Prescott* (Wis.), 47 L. R. A. 695, sufficient to constitute a good signature at common law without any attestation thereof by a subscribing witness.

ACTION FOR TRESPASS ON LAND—EQUITABLE TITLE.—An equitable title with the full right to call for the legal title is held, in *Russell* v. *Meyer* (N. D.), 47 L. R. A. 637, to be sufficient to sustain an action against a trespasser. A note to this case collects the authorities on sufficiency of equitable title to sustain action for trespass to land.

MASTER AND SERVANT—APPLIANCES.—The caving in of the completed portion of a tunnel, causing injury to a servant employed in constructing the tunnel, is held, in *Hanley* v. *California Bridge & C. Co.* (Cal.), 47 L. R. A. 597, not to be one of the risks assumed by the servant, but the completed portion is deemed an appliance or means which the master is required to make safe.

MUNICIPAL CORPORATIONS — LIABILITY FOR ENFORCEMENT OF INVALID ORDINANCE.—The enforcement of a void and unconstitutional ordinance or by-law by officers of a municipal corporation is held, in *McGraw* v. *Marion* (Ky.), 47 L. R. A. 593, not to create a liability on the part of the municipality to a person injured thereby. With this case is a note on the subject of municipal liability for arrest and imprisonment under invalid ordinance.

STAMP TAX—EXPRESS COMPANIES.—The long-disputed question of the right of an express company to add to its rates an amount sufficient to cover the cost of the war-revenue stamp on a receipt issued to the shipper, and thereby shift the burden of the tax upon the shipper, is settled by the Supreme Court of the United States in favor of the express company in the case of *American Express Company* v. *Maynard*, Advance Sheets U. S. p. 695.

FIRE INSURANCE—LIMITED TIME FOR SUIT—WHEN LIMITATION BEGINS TO RUN.—A contract limitation in an insurance policy requiring suit to be brought within twelve months after loss, is held, in *Harrison* v. *Hartford Fire Ins. Co.* (Iowa), 47 L. R. A. 709, not to be subject to a Code provision that a new suit brought within six months after termination of a former one shall be deemed a continuation of the first. A note to this case reviews the authorities on stipulations limiting time for suit on insurance policies. See *Va. F. & M. Ins. Co.* v. *Aiken*, 82 Va. 424; *Va. F. & M. Ins. Co.* v. *Wells*, 83 Va. 736.

SHERIFF—ADVERSE CLAIMS TO MONEY IN HIS HANDS.—A constable who pays over money which he has collected by garnishment to an attaching creditor, after notice that the fund had been assigned by the attachment debtor before the levy

of garnishment, is held, in *Merchants' & M. Nat. Bank* v. *Barnes* (Mont.), 47 L. R. A. 737, not to be liable to the assignee if the garnishee acknowledged the obligation and paid it over as the property of the debtor. A note to this case reviews the authorities on a sheriff's duty as to adverse claims to proceeds of judgments in his hands except in cases of rival executions.

PARENT AND CHILD—HABEAS CORPUS.—A girl seventeen years of age, who enters a convent for the purpose of becoming a nun, without having obtained her parent's consent, is held, in *Prieto* v. *St. Alphonsus Convent of Mercy* (La.), 47 L. R. A. 656, to be subject to the claims of her parents, although she had been received in the convent on the supposition that she had obtained such consent. Under such circumstances it was held that she could be released by writ of habeas corpus, even if the girl was willing and anxious to remain in the convent, and was under no actual restraint.

CONSTITUTIONAL LAW—"TAKING OR DAMAGING" PRIVATE PROPERTY FOR PUBLIC USE.—The damages to property for which compensation must be made under a constitutional provision that property shall not be taken or "damaged" for public purposes without just and adequate compensation is held, in *Austin* v. *Augusta Terminal R. Co.* (Ga.), 47 L. R. A. 755, in which the matter is very elaborately discussed, to be limited to such damages as result from some physical interference with the property or with a right or use appurtenant thereto, and not to extend to the diminution in the market value of property caused by the noise, smoke, and cinders made by operating a railroad.

FOREIGN RECEIVERS—RIGHT TO SUE OUTSIDE OF DOMICILE.—A receiver of a foreign comporation, who by the law of the State of his appointment has title to the right of action against stockholders to enforce their statutory liability, is held, in *Howarth* v. *Angle* (N. Y.), 47 L. R. A. 725, to be entitled to enforce such liability in another State where a stockholder resides, when the amount of the liability has been definitely ascertained, and is only the stockholder's proportion of the ascertained deficiency of assets, where it does not appear that there is any other stockholder or any creditor of the corporation in that State, or that injury will be thereby done to any citizen of the State, or any established policy of the State thereby interfered with. See 3 Va. Law Reg. 831.

TRESPASSING ON PUBLIC HIGHWAY.—That one may trespass on a public highway, in which the public has only the easement of passage, is strikingly shown in the recent English case of *Hickenson* v. *Maisey* (1900), 1 Q. B. 752 We take the following statement of the case from the *Canada Law Journal:*

"The plaintiff was possessed of land traversed by a highway. A trainer of horses had agreed with the plaintiff for the use of some of his land for the training and trial of race horses. A view of the land so used could be obtained from the highway on the plaintiff's land. The defendant was one of the proprietors of a paper which published accounts of the doings of race horses, and for the purpose of getting information as to the performances of horses being trained on the plaintiff's land, the defendant walked backwards and forwards on the highway on the plaintiff's land about fifteen yards in length for about an hour and a half,